

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION



0000105290

KRISTIN K. MAYES

Chairman

GARY PIERCE

Commissioner

PAUL NEWMAN

Commissioner

SANDRA D. KENNEDY

Commissioner

BOB STUMP

Commissioner

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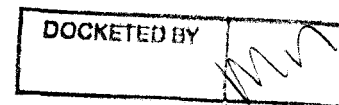
2009 NOV 20 P 4: 38

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

NOV 20 2009



IN THE MATTER OF THE REVIEW
AND POSSIBLE REVISION OF
ARIZONA UNIVERSAL SERVICE
FUND RULES, ARTICLE 12 OF THE
ARIZONA ADMINISTRATIVE CODE

) Docket No. RT-00000H-97-0137

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IN THE MATTER OF THE
INVESTIGATION OF THE COST OF
TELECOMMUNICATIONS ACCESS

) Docket No. T-00000D-00-0672

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**Motion for
Authorization to Redact Contract
by tw telecom of arizona llc**

tw telecom of arizona llc ("tw telecom") hereby makes the following request for limited redaction of a contract amendment sought by Qwest Communications Company, LCC ("Qwest").

The procedural order in this docket dated November 13, 2009, ordered AT&T to produce contracts responsive to Qwest Data Request 1.2, which provides as follows:

... each and every Contract whether or not still in effect, entered into since 2002 between [AT&T] ... and any competitive exchange carrier ("CLEC") relating to going-forward rates, terms or conditions (as of the date of the agreement) for the provision (by the CLEC) of intrastate switch access service to AT&T.

Subpoena p. 2. Qwest's request for contracts is very broad. Contracts between large

carriers are typically nation-wide in scope and provide terms and conditions for a wide range of products and services. Many of these contracts contain proprietary information regarding prices, volumes, and customer locations for products that are not regulated by the ACC and are unrelated to intrastate switched access. tw telecom will not redact any rates, terms, or conditions related to intrastate switched access and requests only that it be permitted to redact proprietary information unrelated to intrastate switched access. To the extent these contracts have been produced in actual complaint proceedings in Colorado and California, many have been similarly redacted.

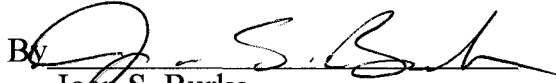
tw telecom recognizes that the November 13, 2009 procedural order provides that the contracts “should be **produced subject to the Protective Order** issued in this Docket.” Order at 2 (emphasis in original). However, Qwest has filed in California a “Motion to Redesignate Off-Tariff Contracts” as non-confidential. *See Qwest Communications Company, LLC v. MCIMetro Access Transmission Services, LLC et al.*, CPUC Case No. C.08-08-006. To the extent the Arizona proceeding is not a complaint docket, but rather is a proceeding to evaluate universal service policies and access rates, production of the contracts with the switched access rates unredacted should be sufficient.

tw telecom apologizes for bringing this issue to the Hearing Division’s attention on the eve of production of the contracts. Earlier this week, tw telecom reached an agreement with Qwest concerning the contract amendment at issue. At the time, Qwest agreed to allow submission of that amendment in redacted form. Shortly after 12:00 noon today, however, counsel for Qwest notified the undersigned counsel that it was retracting this agreement and would not agree to redaction of proprietary information.

tw telecom respectfully requests an order from the Hearing Officer permitting redaction of proprietary information unrelated to the rates, terms, or conditions of intrastate switched access services.

RESPECTFULLY SUBMITTED this 20th day of November 2009.

OSBORN MALEDON, P.A.

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ORIGINAL and fifteen (15) copies
of the foregoing filed this 20th day of
November, 2009 with:

Docket Control
Arizona Corporation Commission
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Phoenix, AZ 85007

COPY of the foregoing hand-delivered
this 20th day of November, 2009, to:

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COPY of the foregoing mailed this
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